



ADMINISTRATIVE RULES OF MONTANA



36.12.1014 WALKER CREEK BASIN CLOSURE

- (1) Walker Creek Basin means the Walker Creek drainage area, located in hydrologic Basin 76LJ, a tributary of the Whitefish River in Flathead County, Montana. The entire Walker Creek drainage, from its headwaters in Section 10 of Township 31 North, Range 21 West, MPM to its confluence with the Whitefish River in Section 8 of Township 30 North, Range 21 West, MPM including all unnamed tributaries is contained in the closure area.
- (2) The department shall reject consumptive use applications for surface water permits within the Walker Creek Basin for any development, including infiltration galleries within 50 feet of Walker Creek or any of its tributaries, requesting to appropriate water or use water during the period July 1 through March 31.
- (3) Permits for nonconsumptive uses during the closure period shall be modified or conditioned such that there will be no decrease in the source of supply, no disruption in the stream conditions below the point of return, and no adverse affect to prior appropriators within the reach of stream between the point of diversion and the point of return. Any permit for a nonconsumptive use shall include at a minimum the following conditions:
 - (a) All nonconsumptive water uses shall be constructed such that the inflow and outflow can be measured.
 - (b) One set of inflow and outflow measurements shall be taken during both July and August in the first full year of operation. The permittee shall keep a written record of the flow rate, method of measurement, place of measurement, and date of measurement, and shall submit said records by November 30th to the Water Rights Bureau Field Office, P.O. Box 860, Kalispell, MT 59903.
 - (c) All ponds or other storage facilities shall be filled during spring runoff or before June 1st of each year, which ever occurs first.
 - (d) All ponds or other storage facilities shall be designed according to U.S. soil conservation service specifications or designed by a registered engineer to minimize seepage.
 - (e) All nonconsumptive water uses which do not utilize the natural stream channel shall be constructed such that water is conveyed to the use and returned to the stream by pipe to minimize loss due to seepage.
- (4) The applicant for a nonconsumptive use shall prove by substantial credible evidence the applicant's ability to meet the conditions imposed by (3) above.
- (5) Permit applications which would utilize an offstream storage facility to impound water outside the closure period of July 1 through March 31, and which is of sufficient size to store adequate water

for use during the closure period, is exempt from these rules. All applications for provisional permit for completed stockwater pit or reservoir (form 605) will be rejected.

- (6) These rules apply to all surface water within the Walker Creek Basin.
- (7) The department will make periodic inspections to determine compliance with these rules and conditions.
- (8) Emergency appropriations of water as defined in ARM 36.12.101(6) and 36.12.105 shall be exempt from these rules.
- (9) These rules apply only to applications received by the department after the date of adoption of these rules.
- (10) The department may, if it determines changed circumstances justify it, reopen the basin to additional appropriations and amend these rules accordingly after public notice and hearing.

Authorizing statute(s): Sec. 85-2-112 and 85-2-319, MCA

Implementing statute(s): 85-2-319, MCA

History: NEW, 1990 MAR p. 1837, Eff. 9/28/90.